

FILED
CHARLOTTE, N. C.

SEP 14 2005

U. S. DISTRICT COURT
W. DIST. OF N. C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

NO. *3:05MC307*

IN RE: REAL PROPERTY LOCATED AT)
3648 POPLIN ROAD, MONROE, NORTH)
CAROLINA, AS MORE PARTICULARLY)
DESCRIBED IN AN INSTRUMENT AT)
DEED BOOK 1913, PAGE 565, IN THE)
UNION COUNTY PUBLIC REGISTRY)

FILE IN GRANTOR INDEX UNDER:)
DENNIS BLACK; ROSE BLACK)
_____)

**ORDER
AND LIS PENDENS**

WHEREAS, the United States of America by and through Special Agent Ronnie Broadwell of the Drug Enforcement Administration has presented an affidavit to the Court alleging that the above-captioned defendant property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 et seq.; and,

WHEREAS, the Court, having reviewed the affidavit, finds that there is probable cause to believe that the defendant property was involved in or facilitated controlled substances trafficking and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 et seq.; and,

WHEREAS, upon this finding of probable cause, the defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. §881(a)(7);

THEREFORE, the United States is directed forthwith to file this Order and Lis Pendens with the appropriate state or local public depository to prevent the flight or transfer of the defendant property so that the United States may initiate action to adjudicate forfeiture of the property; and,

ALL WHO READ THIS ORDER AND LIS PENDENS TAKE NOTICE that the defendant property is subject to forfeiture to the United States in a present or future civil in rem action before this Court, and any person who has a question as to this civil in rem action should contact:

United States Attorney
for the Western District of North Carolina
Attn: William A. Brafford
227 West Trade Street, Suite 1650
Charlotte, NC 28202
(704) 344-6222

This the 14th day of September, 2005.

Carl Horn, III
UNITED STATES MAGISTRATE JUDGE

TO THE RECORDER OF THIS INSTRUMENT: MAIL ANY AND ALL RECORDED COPIES TO THE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA AT THE ABOVE ADDRESS.

AFFIDAVIT OF SPECIAL AGENT RONNIE BROADWELL-DEA
FOR A "LIS PENDENS" FOR THE RESIDENCE AND ACREAGE LOCATED
AT: 3648 POPLIN RD, MONROE, NORTH CAROLINA, 28110

Your affiant, Ronnie Broadwell has been with the Drug Enforcement Administration for approximately 17 ½ years. I am currently assigned to the Charlotte District Office. As a Special Agent, I am an "Investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516, (1)(e).

Prior to being employed with the DEA, I worked narcotic investigations for the North Carolina State Bureau of Investigation for five years. I am familiar with and have participated in all of the normal methods of investigations, including, but not limited to, visual surveillance, detailed interviews of witnesses, use of search warrants, use of confidential sources, Title III intercepts, pen registers, and use of Federal Grand Juries. I have participated in the investigation of non-traditional organized crime, complex drug conspiracies, illegal importation and possession with intent to distribute illegal narcotics in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), 846, 848, 952(a) and 963. I have participated in hundreds of state and federal search warrants.

Your affiant is aware that drug traffickers often put assets, vehicles, telephones, etc in other people's names to camouflage their true identities. I have not included in this affidavit everything I know about this drug organization.

*This application is for a "Lis Pendens" for the residence and acreage of Dennis and Rose Black located at 3648 Poplin Road, Monroe, North Carolina, 28110

Probable Cause:

On 4-21-05 at approximately 11:07am, your affiant along with other DEA special agents, Alcohol Law Enforcement, Union County Sheriff's Department and the North Carolina State Bureau of Investigation, made a controlled delivery of anhydrous ammonia. The anhydrous ammonia was delivered to Dennis Black at 3648 Poplin Road, Monroe, NC. On 4-13-05, Black ordered and paid for the anhydrous ammonia from National Welder's Supply located at 1000 North Sutherland Street, Monroe, NC. Black paid for the anhydrous ammonia which costs \$207.58 using a check out of the account of Advanced Equipment Applications –Dennis J. Black, DBA.

Pursuant to a vehicle stop with Black at approximately 6:55pm, S/A Broadwell obtained consent to search from Dennis Black for his truck and for 3648 Poplin Road, Monroe, NC. Black was approximately 500 yards from his residence when he was stopped. A subsequent search of Black's truck revealed small amounts of methamphetamine in the console. A search of Black's residence revealed less than one ounce of methamphetamine and a clandestine methamphetamine laboratory in a detached garage as well as numerous precursor chemicals that were in a vehicle on the premises driven by David Preslar. Black admitted that the methamphetamine in his truck was his and that the

methamphetamine in his bedroom were his. Also, located in the residence were two pistols. One pistol was located under the master bed and the other pistol was located on top of the refrigerator.

After the vehicle stop with Black, S/A Broadwell transported Black back to his residence and placed Black in his a master bedroom chair where his physical therapy equipment was located for Black's leg. Black was in a wreck approximately four to five months ago and his leg was injured. Black was complaining of pain and wanted to sit in the chair and put the physical therapy/ice machine on his leg. At approximately 7:30pm, S/A Broadwell advised Black of his Miranda rights as per the DEA-13 wallet card. This was witnessed by G/S Jim Kenney and ASAC John Emerson. Black advised that he understood his Miranda rights, did not want a lawyer at this time, and wanted to talk to law enforcement officials.

After the clandestine methamphetamine laboratory was seized, the North Carolina State Bureau of Investigation was called to examine and "clean up" the site. NCSBI Chemist estimated that from the chemicals found at the site, that Black et al, could have made an estimated 56 grams of methamphetamine.

STATEMENTS OF DEFENDANTS:

Dennis Black, Lawrence Hatley and David Preslar were arrested at the residence and charged initially for manufacturing methamphetamine under North Carolina State Law. All three were indicted by a Federal Grand Jury IN THE Western District of North Carolina on 5-24-05 for manufacturing methamphetamine and possession of precursor chemicals and subsequently arrested.

On 4-21-05, while at the scene of the methamphetamine laboratory on 3648 Poplin Road, Monroe, North Carolina., suspect David Preslar gave law enforcement a non-custodial interview. Preslar advised that for the past four months, he had supplied various precursor chemicals to Dennis Black and Lawrence Hatley, who then manufactured methamphetamine with the supplied chemicals. Preslar advised that he supplied them with the chemicals to conduct the methamphetamine cooks approximately twice weekly. In exchange for Preslar supplying Black and Hatley the chemicals, Preslar would receive from them 1/8 ounce of methamphetamine from each cook. Preslar advised that the "cooks" for the methamphetamine were always conducted at 3648 Poplin Road, Monroe, North Carolina.

On 8-01-05, Hatley gave a Rule 11 proffer to this affiant while Hatley was incarcerated in the Mecklenburg County Jail. Hatley advised that beginning in January of 2005, that he and Dennis Black decided to start cooking methamphetamine at Black's residence located at 3648 Poplin Rd, Monroe, North Carolina. Hatley advised that Black already knew how to cook methamphetamine. Hatley advised that Black provided the anhydrous ammonia, Preslar supplied the pseudoephedrine and "AA" batteries, and he supplied the rest of the precursor chemicals. Hatley advised that once he and Black cooked the methamphetamine, that he, Black and Hatley split the methamphetamine three ways

equally. Hatley advised that he and Black first cooked the methamphetamine behind a dog kennel which is located directly behind the residence. Hatley advised that they cooked it there 10 to 15 times. Hatley advised that later in the Spring of 2005, Black built a garage on the back left part of the yard. Hatley advised that this is where they conducted the final three cooks of methamphetamine. Hatley advised that on the night they were arrested on 4-21-05, they were planning on conducting another "cook" of methamphetamine, but were arrested.

Union County Tax Records

Union County Tax Records indicate that 3648 Poplin Road, Monroe, N.C. is listed under Parcel ID number 08270014. The property consists of 28.45 acres of land and a single family residence constructed in 1975. The property was purchased on 8-29-01 and has a tax value of \$350,890.00.


Ronnie Broadwell

Sworn and subscribed before me this the 14th day of September 2005.


United States Magistrate Judge